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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [NZ](#)  
SUBJECT: NEW ZEALAND -- 2009 TIP REPORT: PRESS GUIDANCE  
AND DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of New Zealand of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of New Zealand and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of New Zealand of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of New Zealand,s country narrative in the 2009 TIP Report:

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New Zealand (TIER 1)  
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New Zealand is a source country for underage girls trafficked internally for the purpose of commercial sexual exploitation.

It is also reportedly a destination country for women from Hong Kong, Thailand, Taiwan, the People,s Republic of China, Eastern Europe, and other Asian countries trafficked into forced prostitution. Very few minors are found in prostitution in legal or illegal brothels. Some underage girls engage in prostitution occasionally on the street

STATE 00061811 002 OF 005

without the obvious control of a third party, while other girls engaging in prostitution are tightly controlled by local gangs. A number of Asian women migrate voluntarily to New Zealand to work in the legal sex trade, although it is illegal for them to do so. Reports indicate that traffickers subsequently coerce them to work against their will in exploitive situations or by threatening them with abuses of the law like deportation or jail. Unskilled Asians and Pacific Islanders migrate to New Zealand voluntarily to work legally or illegally in the agricultural sector, and women from the Philippines migrate legally to work as nurses. Some of these workers report that manpower agencies placed them in positions of involuntary servitude or debt bondage by charging them escalating and unlimited recruiting fees, imposing unjustified salary deductions on them, restricting their travel by confiscating their passports, and significantly altering contracts or working conditions without their agreement. Relative to the population of New Zealand, the estimated number of trafficking victims is modest, although no research has been conducted to determine the full extent of the trafficking problem in New Zealand.

The Government of New Zealand fully complies with the minimum standards for the elimination of trafficking. New Zealand,s laws prohibit all forms of human trafficking, and the government funds and participates in international anti-trafficking initiatives. It offers an extensive network of protective services to internal and transnational trafficking victims, regardless of whether they are recognized as trafficking victims. It is likely, however, that foreigners in New Zealand exploited in forced labor and the commercial sex trade have not been identified by the government as trafficking victims.

Recommendations for New Zealand: Consider amending relevant laws to provide for minimum sentences for trafficking crimes, including the internal trafficking of children for commercial sexual exploitation; develop and implement a visible anti-trafficking awareness campaign directed at clients of the legal sex trade; and institute more effective formal procedures for law enforcement officials to proactively identify trafficking victims in vulnerable populations such as women and children engaged in prostitution and migrant laborers.

Prosecution  
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The Government of New Zealand made uneven progress in law enforcement efforts against trafficking during the past year. New Zealand prohibits transnational sex and labor trafficking under Part 5 and various amendments of the Crimes Act of 1961, yet it has prosecuted no offenses under this law. Laws against rape, abduction, assault, kidnapping, child sexual abuse, sexual slavery, the receipt of financial gain from exploiting children in prostitution, and labor exploitation prohibit forms of internal trafficking, but such crimes are not specifically included within the anti-trafficking provisions of the Crimes Act. Sufficiently stringent maximum penalties of 20 years, imprisonment and/or a fine of \$250,000 under the above statutes are commensurate with those prescribed for other serious crimes. Although the mandatory minimum sentence prescribed as punishment for rape is eight years, New Zealand law has no such minimum penalties prescribed for either transnational trafficking offenses or the commercial sexual exploitation of a child domestically. During 2008, law enforcement officers made 21 compliance visits to brothels, homes and premises used for the sex industry and found nine foreigners illegally working in prostitution. Four of the women were processed for deportation, three left voluntarily, and two were allowed to remain in New Zealand. Law enforcement officers who interviewed the women did not uncover evidence of labor exploitation, and could not determine whether they were victims of sex trafficking. In July, a brothel owner from Christchurch became the first person charged under a law from 2006 banning sexual slavery. Two girls, ages 16 and 17, were found exploited in his brothel for more than a year. The prosecution is pending. Authorities charged a New Plymouth brothel owner in December with several offenses related to employing a 15-year-old girl as a prostitute for six months in 2005. Also in December, the Tauranga District Court sentenced a Bay of Plenty man to 27 months' imprisonment for assisting and receiving earnings from the prostitution of his 15-year-old girlfriend in 2006 and 2007. Police charged a 47-year old Auckland man with facilitating and profiting from the prostitution of underage children in February 2009. The government conducted 264 agricultural labor compliance checks in 2008. Although they received complaints of labor exploitation in agricultural work over several years, labor officials did not believe the situations indicated trafficking and opened no investigations or prosecutions in relation to the complaints.

STATE 00061811 003 OF 005

#### Protection

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The Government of New Zealand provides strong support and social services for victims of all crimes, including trafficking, through the New Zealand Council of Victim Support Groups. Under the Victim's Rights Act of 2002 police attend to victims, immediate welfare needs, such as food and shelter. The law currently allows foreign victims temporary legal residence and relief from prosecution for immigration offenses, and the Interagency Working Group (IWG) is considering a specific immigration status for trafficking victims and longer-term support services in the national plan of action. The government offers support services for children involved in, or at risk of, commercial sexual exploitation. No identified victims were jailed, fined, or deported. It is possible, however, that foreigners were not identified by police and immigration officials as possible trafficking victims. New Zealand significantly contributed to victim protection programs in the Mekong Sub-Region and the Pacific Island region. No victims of trafficking were proactively identified by the government during the reporting period, besides the aforementioned children found exploited in New Zealand's commercial sex trade.

#### Prevention

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The Government of New Zealand demonstrated inconsistent efforts to prevent human trafficking. During the year, it did not run campaigns to raise public awareness of

trafficking risks, nor did it take steps to reduce demand for commercial sex acts. It did make efforts, however, to educate officials on trafficking and their obligations under the laws and included funding for anti-trafficking awareness campaigns in next year's budget. The IWG, as part of the national plan of action process, worked with NGOs and civil society, and published its activities on a Ministry web site.

An assumption that all women engaging in prostitution in New Zealand do so willingly appears to underpin official policy and programs, and has inhibited public discussion and examination of indications that trafficking exists within both the decriminalized and illegal sex industries. New Zealand remained active in international efforts to monitor and prevent trafficking. Its foreign assistance agency provided substantial funding to countries and organizations to build countries, anti-trafficking capacity, to prevent trafficking, and to provide services to victims. New Zealand emphasized its laws on child sex tourism, which apply extraterritorially, on its travel webpage. The government provided anti-trafficking training to military personnel assigned to international peacekeeping missions prior to their deployment. There were no reports of New Zealand peacekeeping personnel involved in trafficking or exploiting trafficking victims during the year.

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19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking"

STATE 00061811 004 OF 005

set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of

each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in refTel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as

possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human

STATE 00061811 005 OF 005

Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was New Zealand again given a ranking of Tier 1?

A: The Government of New Zealand fully complies with the minimum standards for the elimination of trafficking. New Zealand,s laws prohibit all forms of human trafficking, and the government funds and participates in international anti-trafficking initiatives. It offers an extensive network of protective services to internal and transnational trafficking victims, regardless of whether they are recognized as trafficking victims. It is likely, however, that foreigners in New Zealand exploited in forced labor and the commercial sex trade have not been identified by the government as trafficking victims.

Q2: What is the nature of New Zealand,s trafficking problem?

A: New Zealand is a source country for underage girls trafficked internally for the purpose of commercial sexual exploitation. It is also reportedly a destination country for women from Hong Kong, Thailand, Taiwan, the People,s Republic of China, Eastern Europe, and other Asian countries trafficked into forced prostitution. Unskilled Asians and Pacific Islanders migrate to New Zealand voluntarily to work legally or illegally in the agricultural sector, and women from the Philippines migrate legally to work as nurses. Some of these workers report that manpower agencies placed them in positions of involuntary servitude or debt bondage by charging them excessive and escalating recruiting fees, imposing unjustified salary deductions on them, restricting their travel by confiscating their passports, and significantly altering contracts or working conditions without their permission. Relative to the population of New Zealand, the estimated number of trafficking victims is modest, although no research has been conducted to determine the full extent of the trafficking problem in New Zealand.

Q3: What efforts could New Zealand make to improve its anti-trafficking efforts?

A: To advance its efforts to combat trafficking, the Government of New Zealand could: institute sufficiently stringent minimum sentences for convicted trafficking offenders, including those who traffic children internally for commercial sexual exploitation; institute more effective formal procedures for law enforcement officials to proactively identify trafficking victims in vulnerable populations such as women and children engaged in prostitution and migrant laborers; continue investigating and prosecuting employment recruiting agencies or employers demanding excessive fees from foreign workers, and those engaging in contract switching.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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